CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE

January 22, 2004

S. 1072
Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003

As reported by the Senate Committee on Environment and Public Works on January 14, 2003

SUMMARY

Assuming appropriation action consistent with the funding levels specified in the bill, and assuming the appropriation of amounts necessary to complete highway and environmental studies and regulations required by the bill, CBO estimates that implementing S. 1072 would cost $172 billion over the 2004-2009 period and about $48 billion after 2009.

CBO estimates that enacting S. 1072 would reduce direct spending by about $1.7 billion over the 2004-2009 period and by about $3.4 billion over the 2004-2013 period. Finally, the Joint Committee on Taxation (JCT) estimates that enacting S. 1072 would reduce revenue collections by $52 million over the 2004-2009 period and by $130 million over the 2004-2013 period.

S. 1072 would extend the authority for the Federal-Aid Highway program. For this program, the bill would provide about $218 billion of contract authority over the 2004-2009 period, and it would authorize the appropriation of about $2.6 billion over the same period. S. 1072 also would require the Department of Transportation (DOT) and the Environmental Protection Agency (EPA) to complete certain studies and regulations concerning highway construction and air quality.

Consistent with the Balanced Budget and Emergency Deficit Control Act, CBO assumes for this estimate that the contract authority for the Federal-Aid Highway program would continue at the same rate provided immediately before the program would expire at the end of 2009. Hence, this estimate includes an additional $4.9 billion in contract authority in each year over the 2010-2013 period.

S. 1072 would make several changes to current law that would affect direct spending. The legislation would end funding for DOT's Minimum Guarantee program, increase funding for the Emergency Relief program, provide DOT the authority to spend certain fees, and provide DOT the authority to share monetary judgments pertaining to fraud in the federal highway and transit programs with state and local agencies.

JCT estimates that enacting S. 1072 would result in lower revenue collections by expanding the State Infrastructure Banks program and by changing the eligibility requirements of the Transportation Infrastructure Finance and Innovation Act (TIFIA) program. Under current law, five states can use grants from the Federal-Aid Highway program to fund a state infrastructure bank. S. 1072 would extend that authority to all states. S. 1072 would change the TIFIA program by making smaller projects eligible for credit assistance. Both provisions would decrease revenue collections by increasing the use of tax-exempt bonds.

S. 1072 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA); any costs to state or local governments would result from complying with conditions of federal assistance. In general, the bill would benefit states by reauthorizing federal highway programs for the next six years.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 1072 is shown in Table 1. The costs of this legislation fall within budget function 400 (transportation).

BASIS OF ESTIMATE

For this estimate, CBO assumes that S. 1072 will be enacted this spring. We also assume appropriation action consistent with the authorization and contract authority levels in the bill. Estimates of outlays are based on historical spending patterns of the Federal-Aid Highway program. CBO estimates that implementing S. 1072 would cost almost $172 billion over the 2004-2009 period and that enacting S. 1072 would lower direct spending by about $3.4 billion over the 2004-2013 period. JCT estimates that enacting S. 1072 would lower revenues by $130 million over the 2004-2013 period.

TABLE 1. SUMMARY OF BUDGETARY EFFECTS OF S. 1072

	By Fiscal Year, in Millions of Dollars					
	2004	2005	2006	2007	2008	2009
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level [a]	392	417	431	440	450	464
Estimated Outlays	4,192	25,005	32,571	35,645	37,273	37,765
CHANGES IN DIRECT SPENDING						
Estimated Budget Authority	6,232	5,523	6,806	6,404	6,503	5,098
Estimated Outlays	-32	-161	-314	-376	-400	-415
CHANGES IN REVENUES						
Estimated Revenues [b]	-1	-3	-7	-10	-14	-17

a. Under current law, most budget authority for the Federal-Aid Highway program is provided as contract authority, a mandatory form of budget authority. Most outlays that result from the contract authority, however, are subject to obligation limitations contained in appropriation acts and are therefore discretionary. S. 1072 would provide contract authority for the Federal-Aid Highway program. CBO assumes appropriation action will continue to limit outlays from the portions of the Federal-Aid Highway program that are subject to limitations under current law as well as new components of the program that would be authorized by S. 1072.

b. Estimate provided by Joint Committee on Taxation.

Spending Subject to Appropriation

Over the 2004-2009 period, S. 1072 would provide about $218 billion of contract authority and authorize the appropriation of about $2.6 billion for the Federal-Aid Highway program. The bill also would require DOT and EPA to complete certain studies and regulations. Assuming appropriation action consistent with the contract authority and authorizations specified in the bill, and assuming the appropriation of amounts necessary to cover the studies and regulations, CBO estimates that implementing S. 1072 would cost almost $172 billion over the 2004-2009 period.

Under current law, most spending from the Federal-Aid Highway program is considered discretionary because it is controlled by annual limitations on obligations set in appropriations acts. For this estimate, CBO assumes appropriation action will continue to limit outlays from the Federal-Aid Highway program.

S. 1072 would require DOT and EPA to complete certain studies and regulations concerning highway construction and air quality. The bill would require DOT to assess the condition of the surface transportation system and develop a plan to ensure this system will continue to meet the nation's transportation needs, and it would require EPA to improve the methodology for measuring air particles. The bill also would require DOT to issue regulations to improve worker injury rates and traffic flow during road construction, and it would require EPA to issue regulations for the management of air quality data during disasters. Based on information from DOT and EPA, CBO estimates that completing these studies and regulations would cost $7 million over the 2004-2009 period, subject to appropriation of the necessary amounts.

Direct Spending and Revenues

The legislation would end funding for DOT's Minimum Guarantee program, increase funding for the Emergency Relief program, provide the authority to spend certain fees, and provide the authority to share certain monetary judgments. CBO estimates these changes would lower direct spending by about $3.4 billion over the 2004-2013 period and reduce revenues by $130 million over the same period. The bill's changes in direct spending and revenues are detailed in Table 2.

Minimum Guarantee Program. Of the total amount of contract authority for the Minimum Guarantee program, current law exempts $266 million of contract authority for fiscal year 2004 from any limitation on obligations. Consistent with the Balanced Budget and Emergency Deficit Control Act, CBO assumes this program continues at the same rate through fiscal year 2004 and in each of the following years. Under this baseline assumption, $639 million of contract authority for the Minimum Guarantee program is exempt from annual limits on obligations set in appropriation acts, and the resulting outlays are therefore considered mandatory. S. 1072 would eliminate funding for this program. CBO assumes that eliminating funding for the Minimum Guarantee program would lower direct spending by $5.2 billion over the 2004-2013 period relative to the current baseline.

Emergency Relief Program. Current law provides permanent authority for the Emergency Relief program and limits the program's obligations to $100 million each year. Because appropriation acts do not control spending from the program, its outlays are considered mandatory. S. 1072 would raise the limit on obligations to $300 million each year. CBO estimates that this provision would increase direct spending by $1.7 billion over the 2004-2013 period.

TABLE 2. ESTIMATED EFFECTS ON DIRECT SPENDING AND REVENUES FOR S. 1072

	By Fiscal Year, in Millions of Dollars									
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
DIRECT SPENDING										
Baseline Spending for the Federal-Aid Highway Program										
Estimated Budget Authority	26,264	30,633	30,633	30,633	30,633	30,633	30,633	30,633	30,633	30,633
Estimated Outlays	1,145	1,056	955	869	794	775	764	757	751	748
Proposed Changes:										
Federal-Aid Highway Program Components Subject to Obligation Limitations										
Estimated Budget Authority	6,352	5,953	7,236	6,834	6,933	5,528	5,528	5,528	5,528	5,528
Estimated Outlays	0	0	0	0	0	0	0	0	0	0
Minimum Guarantee										
Estimated Budget Authority	-320	-639	-639	-639	-639	-639	-639	-639	-639	-639
Estimated Outlays	-86	-308	-495	-569	-601	-620	-633	-639	-639	-639
Emergency Relief										
Estimated Budget Authority	200	200	200	200	200	200	200	200	200	200
Estimated Outlays	54	138	172	184	192	196	200	200	200	200
Spending of Fees										
Estimated Budget Authority	0	5	5	5	5	5	5	5	5	5
Estimated Outlays	0	5	5	5	5	5	5	5	5	5
Spending of Judgments										
Estimated Budget Authority	0	4	4	4	4	4	4	4	4	4
Estimated Outlays	0	4	4	4	4	4	4	4	4	4
Total Changes										
Estimated Budget Authority	6,232	5,523	6,806	6,404	6,503	5,098	5,098	5,098	5,098	5,098
Estimated Outlays	-32	-161	-314	-376	-400	-415	-424	-430	-430	-430
Direct Spending Under S. 1072 for the Federal-Aid Highway program										
Estimated Budget Authority	32,496	36,156	37,439	37,037	37,136	35,731	35,731	35,731	35,731	35,731
Estimated Outlays	1,113	895	641	493	394	360	340	327	321	318
CHANGES IN REVENUES										
Estimated Revenues [a]	-1	-3	-7	-10	-14	-17	-19	-20	-20	-20

a. Estimate provided by Joint Committee on Taxation.

Spending of Certain Fees. Under current law, DOT collects fees from participants in classes held by the National Highway Institute and participants in the TIFIA program. These fees cover a portion of the administrative costs of the classes and the TIFIA program. S. 1072 would provide DOT the authority to spend the fees without further appropriation. Based on information from DOT, CBO estimates the department will collect—beginning in 2005—$4 million each year from participants in classes held by the National Highway Institute and $1 million each year from participants in the TIFIA program. CBO estimates that this provision would increase direct spending by about $45 million over the 2005-2013 period.

Monetary Judgments. S. 1072 would provide DOT the authority to share monetary judgments pertaining to fraud in the federal highway and transit programs with state and local agencies. This provision would apply to judgments in criminal prosecutions as well as civil judgments. Under current law, monetary judgments that result from criminal prosecutions are deposited in the Crime Victims Fund and later spent. Civil judgments, however, are not spent under current law. The federal government received an average of $18 million each year in monetary judgments from civil cases over the 1999-2003 period. Because the federal government pays most costs associated with fraud investigations and generally requires states to provide only 20 percent of the total cost for most surface transportation projects, we expect that DOT would share 20 percent of such judgments with the states. Hence, CBO estimates that this provision would increase direct spending by $4 million each year, beginning in 2005, and by $36 million over the 2005-2013 period.

Revenues. Enacting S. 1072 would lower revenue collections by expanding the State Infrastructure Banks (SIBS) and the TIFIA programs. JCT estimates that enhancing both provisions would lower revenues by $52 million over the 2004-2009 period and $130 million over the 2004-2013 period.

Under current law, five states can use grants from the Federal-Aid Highway program to fund a state infrastructure bank. States use infrastructure banks to finance transportation projects by providing loans to local governments or repaying bonds. S. 1072 would extend that authority to all states. JCT estimates that this provision would increase the use of tax-exempt bonds and therefore decrease federal revenues by $73 million over the 2004-2013 period.

For a project to receive credit assistance under the TIFIA program, current law requires the projects' total cost to equal or exceed the lower of the following two amounts: $100 million, or 50 percent of the states' grants from certain highway programs in the previous fiscal year. S. 1072 would change those two amounts to $50 million and 20 percent of the states' highway grants. Credit assistance under the TIFIA program can cover a portion of the remaining cost with tax-exempt bonds. JCT estimates that enacting S. 1072 would increase the number of projects that receive credit assistance under TIFIA and, therefore, increase the use of tax-exempt bonds, reducing revenue collections by $57 million over the 2004-2013 period.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

S. 1072 contains no intergovernmental or private-sector mandates as defined in UMRA. Any additional costs to state or local governments to comply with grant conditions would be incurred voluntarily. In general, the bill would benefit states by reauthorizing federal highway programs for the next six years.

Subtitle E, Environmental Planning and Review, would clarify and expand existing conditions of aid by requiring Metropolitan Planning Organizations (MPOs) and states to consider additional environmental factors during the planning process and to update long-range transportation plans more frequently. MPOs and states have to comply with various transportation planning requirements in order to receive federal assistance. According to MPO representatives, the provisions of the bill may require smaller organizations to hire additional staff, however, CBO does not expect those costs to be significant. Furthermore, states and MPOs receive various forms of funding under title 23 and title 49 that would cover planning-related expenses. S. 1072 would increase the amount of title 23 funds set aside for MPOs.

States would benefit from other provisions of the bill, including funding to establish or update systems to report incidents more quickly, to develop intermodal passenger facilities, and to encourage the collection of tolls on certain interstate highways and high-occupancy-vehicle lanes.

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